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09/757,553	01/09/2001	Sukhinder Singh	P3958	9704

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EXAMINER	
TRAN, ELLEN C	
ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/757,553	SINGH ET AL.	
	Examiner	Art Unit	
	Ellen C. Tran	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/09/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication: filed on 8 November 2005 with an original application filed on 09 January 2001, with acknowledgement of continuation in part from application 09/923,598 06/01/199 and 09/208,740 12/08/1998.

2. Claims 1-45 are currently pending in this application. Claims 1, 16, 26, 40, and 43 are independent claims.

Response to Arguments

3. Applicant's arguments with respect to claims 1-45 have been considered but have not been found persuasive.

In response to applicant's argument on page 9, *"applicant ... has concluded that the rejections are faulty, in that the actual elements references, in the portions applied".* The Office disagrees with argument the portions of the reference noted are guides the whole reference should be reviewed for teaching the claimed invention.

In response to applicant's argument starting on page 9, *"Applicant is frustrated and believes the Examiner has put an unjust responsibility on the applicant to rebut the Examiner's argument when the Examiner presents an entire column ... Applicant would feel privileged to know which one of these elements the Examiner has all of the claimed functionality of applicant's claimed data access and aggregation server".* The Office disagrees with argument, the reference as a whole teaches the invention below is a more detailed mapping of the claim to the reference.

As to independent claim 26, "A method for collecting, aggregating, and rendering off-line data for requesting users operating on a data-packet-network

comprising steps of: (a) receiving a user request, the request sent from a user operating a user node having network access to a service-providing node operating on the data-packet-network" is taught in '625 col. 15, line 66 through col. 16, line 25 (Note "users operating on a data-packet-network" are users operating a computer on a network such as the Internet);

"(b) identifying at least one telephone number identified in the request, the telephone number addressing an off-line data source; (c) dialing identified telephone number and establishing a telephony connection to the off-line data source" is shown in '625 col. 22, line 46 through col. 23 line 10 (Note "the off-line data source" is interpreted to be any of the following: the number being called until the connection is established it is off-line, a voice, a video image (until recorded and digitized), a database not available until connected to a network or private network, or a fax that is not saved by a computer);

"(d) retrieving the off-line data through automated telephone interaction" is disclosed in '625 col. 24, lines 27-55 (note the "off-line data" is information and or assistance an operator would provide to such equipment as a fax machine);

"(e) recording playback of the off-line data and storing the recorded data; and" is shown in '625 col. 26, lines 53-67 and col. 37, lines 23-29 ("recording playback of the off-line date" is interpreted to have the same meaning as recording a voice message such as 'Telephoney and messaging services' which is a common service described within the reference) ;

"(f) rendering the recorded data in a form downloadable to the user node" is disclosed in '625 col. 40, lines 21-31.

In response to applicant's argument on page 10, *"Applicant argues that the art of Eastep fails to teach a single server for accessing and aggregating off-line message data for requesting users ... and a connected data repository".* The Office disagrees with argument, this is shown in Eastep ('625) see col. 24, lines 14-38, (Note "a single server" is interpreted to be equivalent to the "web server" which access individual computers or devices 1900, 1901, 1902, 1903, 1920, 1930, or 1941-1945 behind the firewall that stores off-line information such as voice messages, fax, or profile information).

In response to applicant's argument on beginning on page 10, *"Applicant argues that Eastep fails to teach an ability to record and aggregate off-line information requested by a user ... Eastep teaches that the packet classifier merely classifies and prioritizes real-time communication from communication that is not real-time".* The Office disagrees with argument, '625 does teach the ability to provide off-line information requested by a user, Eastep invention is directed to a communication system that interconnect various services utilized by a user over a network based communication system, the service themselves respond to user requests, see col. 21, lines 3-23 which describes services for voice messages, note the service responds to the user input.

In response to applicant's argument on page 11, *"Regarding independent system claim 16, the Examiner states that this claim is directed to the system of method 26 and*

is rejected along the same rational ...Applicant endures unnecessary frustration when an Examiner rejects an apparatus claim as being anticipated, using the reasoning provided on behalf of a method claim". The Office disagrees with the argument and notes that all the various elements are within Eastep.

In response to applicant's argument beginning on page 11, *"Applicant argues that the mere act of a user picking up a phone and making a call through Eastep's connected network cannot read on this limitation. Applicant argues that Eastep fails to retrieve off-line data on behalf of a user via automated telephone interaction".* The Office disagrees with argument and notes that '625 show automated telephone interaction in column 22, lines 46-65.

In response to applicant's argument on page 12, *"Regarding step (e) which recites recording playback of off-line and storing the recorded data ... Applicant argues that this portion of Eastep merely teaches an ability for users to communicate with Eastep's system in an automated way, wherein a user may here a recorded voice when accessing the system or ... These are simple IVR capabilities which certainly do not read on applicant's claimed limitation of accessing off-line data sources on*". The Office disagrees with argument, a voice is another form of off-line data source, the recording of voice messages, playback and, storing all read on the claimed invention.

In response to applicant's second argument on page 12, *"Applicant argues that the "data" described is certainly not the data as claimed in applicant's invention. Applicant objects to the piecemeal way the Examiner present portions of the cited art to read on applicant's claims ... The data is not on the level of the end user as claimed in*

applicant's invention". The Office disagrees with argument, Eastep describes many different types of data management, one type of data that Eastep manages is the same data the applicant is claiming, 'off-line data'.

In response to applicant's argument on page 13, *"Regarding independent claims 40 and 43, the Examiner states that Eastep teaches collecting and aggregating, by an Internet connected server, user data not accessible on the Internet ... Applicant argues that this portion of Eastep teaches sending data to users that is commonly available on the Internet; i.e. stock quotes, weather, etc".* The Office disagrees with argument, the reference, as a whole should be reviewed, Eastep teaches the web server accessing collected user data in col. 24, lines 14-27.

Specification

4. The disclosure is objected to because of the following informalities: the information pertaining to Ser. No. 09/323,598 and 09/208,740 indicated in specification needs to be updated in all locations, to include the status of these applications and reference the applicable patent number.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

6. **Claims 1-38 and 40-45,** are rejected under 35 U.S.C. 102(e) as being anticipated by Eastep et al. U.S. Patent No. 6,731,625 (hereinafter '625).

As to independent claim 26, "A method for collecting, aggregating, and rendering off-line data for requesting users operating on a data-packet-network comprising steps of: (a) receiving a user request, the request sent from a user operating a user node having network access to a service-providing node operating on the data-packet-network" is taught in '625 col. 15, line 66 through col. 16, line 25 (Note "users operating on a data-packet-network" are users operating a computer on a network such as the Internet);

"(b) identifying at least one telephone number identified in the request, the telephone number addressing an off-line data source; (c) dialing identified telephone number and establishing a telephony connection to the off-line data source" is shown in '625 col. 22, line 46 through col. 23 line 10 (Note "the off-line data source" is interpreted to be any of the following: the number being called until the connection is established it is off-line, a voice, a video image (until recorded and

digitized), a database not available until connected to a network or private network, or a fax that is not saved by a computer);

"(d) retrieving the off-line data through automated telephone interaction" is disclosed in '625 col. 24, lines 27-55 (note the "off-line data" is information and or assistance an operator would provide to such equipment as a fax machine);

"(e) recording playback of the off-line data and storing the recorded data; and" is shown in '625 col. 26, lines 53-67 and col. 37, lines 23-29 ("recording playback of the off-line date" is interpreted to have the same meaning as recording a voice message such as 'Telephoney and messaging services' which is a common service described within the reference) ;

"(f) rendering the recorded data in a form downloadable to the user node" is disclosed in '625 col. 40, lines 21-31.

As to dependent claim 27, "wherein the data-packet-network is the Internet network" is taught in '625 col. 24, lines 1-65.

As to dependent claim 28, "wherein in step (a) the user node is a personal computer and the service-providing node is a file server with outbound dialing capability" is shown in '625 col. 24, lines 1-65.

As to dependent claim 29, "wherein in step (a), the personal computer and a file server communicate using Internet protocol" is disclosed in '625 col. 24, lines 1-65.

As to dependent claim 30, "wherein in step (a), the user node is an Internet-capable cellular telephone" is taught in '625 col. 24, line 56 through col. 25, line 10.

As to dependent claim 31, "wherein in step (a), the user node is an Internet-capable hand-held computer" is shown in '625 col. 24, line 56 through col. 25, line 10.

As to dependent claim 32, "wherein the off-line data includes voice data from one or a combination of answering machines, answering services, voice mail services, and pager voice mail services" is disclosed in '625 col. 24, lines 1-65.

As to dependent claim 33, "wherein the off-line data further includes voice data from one or a combination of emergency information systems, traffic alert systems, whether alert systems, and movie information systems" is taught in '625 col. 73,
lines 11-36.

As to dependent claim 34, "wherein in step (b), an access code identification is performed associating a data-access code with the appropriate telephone number identified in the request" is shown in '625 col. 24, lines 1-65.

As to dependent claim 35, "wherein in step (d), automated telephone interaction includes automated input of the data-access code for triggering playback of data" is disclosed in '625 col. 37, lines 23-33.

As to dependent claim 36, "wherein in step (d), determination of input of the data-access code for triggering playback of data is accomplished by voice recognition software responding to an interactive-voice-response system" is taught in '625 col. 37, lines 23-33.

As to dependent claim 37, "wherein in step (d), determination of input of the data access code for triggering playback of data is accomplished by

consultation a pre-configured interaction rules associated with the telephone number" is shown in '625

col. 37, lines 1-61.

As to dependent claim 38, "wherein in step (e), the recorded data is stored has a digital voice file" is disclosed in '625 col. 202, lines 26-28.

As to independent claim 1, "A data access and aggregation server for accessing and aggregating off-line message data for requesting users, access performed from a server location point on a data-packet-network comprising: at least one communication port for bi-directional data communication between the server and users accessing the server from remote access nodes having access to the network" is taught in '625 col. 24, lines 14-27;

"at least one communication port for bi-directional communication between a server and remote communications systems operating on a telephone network; at least one data port for data communication between the server and a connected data repository" is shown in '625 col. 22, line 46 through col. 23 line 10 ;

"a processor for storing server software and communication software; and, a software application for enabling automated dialing and interaction with the remote communications systems, characterized in that the server responding to requests from users dials destination numbers supplied by the users and upon connection therewith inputs any access codes required to trigger data playback whereupon the server records the played data and renders the data available to the requesting users" is shown in '625 col. 24, lines 37-55.

As to dependent claim 2, this claim contains substantially similar to dependent claim 27 and is rejected along the same rationale.

As to dependent claim 3, "wherein the location point is a server address on the Internet network" is taught in '625 col. 25, lines 46-50.

As to dependent claim 4, "wherein the communication between the server and users is hyper-text-transfer-protocol and the interface media is hyper-text-markup-language" is shown in '625 col. 62, lines 60-62.

As to dependent claim 5, "wherein the software application is distributed in part on the server and in part on the accessing devices of the requesting users" is disclosed in '625 col. 21, line 57 through col. 22, line 31.

As to dependent claim 6, "wherein the software application is hosted in its entirety on the server" is taught in '625 col. 21, line 57 through col. 22, line 31.

As to dependent claims 7, 8, and 9, these claims contain substantially similar to dependent claims 32, 33, and 34 they are rejected along the same rationale.

As to dependent claim 10, "wherein the telephone network is the public-switched-telephony-network" is shown in '625 col. 24, lines 39-40.

As to dependent claims 11 and 12, these claims contain substantially similar subject matter as dependent claims 32 and 33 they are rejected along the same rationale.

As to dependent claim 13, "wherein after data access and recording, the resulting data is rendered in the form of digital voice files downloadable over the Internet" is disclosed in '625 col. 40, lines 21-31.

As to dependent claim 14, "wherein after data access and recording, the resulting data is rendered in the form of digital text data" is taught in '625 col. 71, lines 30-38.

As to dependent claim 15, "wherein the digital text data is of the form of text summaries" is shown in '625 col. 72, lines 4-20.

As to independent claim 16, A network-based system for collecting, aggregating, and rendering off-line data for users having access to the network comprising: a server node connected to the network; the server node having outbound dialing capability to connection-oriented-switched-telephony numbers and interaction capability with automated systems associated with the telephony numbers; a data repository accessible to the server node, the data repository for storing information about users including telephone numbers and access codes" is taught in '625 col. 24, lines 14-37;

"a network bridging facility for bridging the network of the server node to the network providing access to the connection-oriented-switched-telephone numbers and associated automated systems" is taught in '625 col. 24, lines 39-65;

"a telephone routing and switching facility for routing and connecting calls initiated from the server to individual ones of the automated systems associated with individual ones of the connection-oriented-switched-telephone numbers; and a plurality of user nodes having access to the network of the server" is shown in '625 col. 22, line 46 through col. 23 line 10;

"the user nodes functioning as requestors and receivers of the off-line data collection, aggregation and rendering services provided by the server node" is disclosed in '625 col. 24, lines 15-27;

"wherein the server node acting upon user request initiates and conducts telephone calls through the network bridging facility and the telephone routing and switching facility to the automated systems associated with the connection-oriented-switched-telephone numbers for the purpose of accessing and recording message data, the message data rendered available to the requesting users through personalized interfaces operable through the user nodes" is taught in '625 col. 24, line 56 through col. 25, line 45.

As to dependent claim 17, "wherein the network is formed of a data-packet-network, a telephone network, and a wireless communications network" is disclosed in '625 col. 26, lines 59-63.

As to dependent claims 18 and 19, these claims contain substantially similar to dependent claims 27 and 10, they are rejected along the same rationale.

As to dependent claim 20, "wherein the user nodes are personal computers having connection to the Internet network and having access to the server node" is taught in '625 col. 28, lines 5-64.

As to dependent claim 21, "wherein the user nodes further include Internet-capable telephones having connection to the Internet network and having access to the server node" is shown in '625 col. 28, line 5 through col. 29, line 64.

As to dependent claim 22, "wherein the user nodes further include Internet-capable telephones having connection to the Internet network and having access to the server node" is taught in '625 col. 28, line 5 through col. 29, line 64.

As to dependent claim 23, "or in the user nodes further include Internet-capable hand-held computers having connection to the Internet network and having access to the server node" is shown in '625 col. 24, line 56 through col. 25, line 10.

As to dependent claims 24 and 25, these claims contain substantially similar to dependent claims 32 and 33 they are rejected along the same rationale.

As to independent claim 43, "A method for collecting and providing information to a user, comprising the steps of: (a) collecting an aggregating, by an Internet-connected server user data not accessible on the Internet" is taught in '625 col. 73, lines 11-36;

"(b) a repacking the data the data for sending to the user; and" is shown in '625 col. 40, lines 21-31;

"(c) sending the repackaged data to the user" is disclosed in '625 col. 24, lines 44 through col. 25, line 10.

As to dependent claim 44, "wherein the user data is obtained over a public telephone network" is taught in '625 col. 24, lines 39-43.

As to dependent claim 45, "wherein the repacked data is provided to the user of HTML files over the Internet" is shown in '625 col. 62, lines 38-62.

As to independent claim 40, this claim is directed to a service to perform the method of claim 43 and is rejected along the same rationale.

As to dependent claims 41 and 42, these claims contain substantially similar to dependent claims 44 and 45; therefore they are rejected along the same rationale

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claim 39** is rejected under 35 U.S.C. 103(a) as being unpatentable over '625 as applied to claims 26-38 in further view of Goldberg et al. U.S. Patent No. 6,304,636, (hereinafter '636).

As to dependent claim 39, the following is not taught in '625 **"wherein in step (e), the voice file is a WAV file"** however '636 teaches "At step 140, the voice message received from the calling party is converted into a digital audio file (e.g., a "WAV" file" in col. 3, lines 14-17.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a method for collecting, aggregating, and rendering off-line data recording playback of a digital voice in '625 to include a means that utilizes "WAV" format. One of ordinary skill in the art would have been motivated to perform such a modification because a method is needed to coverting voice messages into digital messages see '636 (col. 1, lines 30 et seq.) "Based on the foregoing, there is a need

for a system and method that allows a calling party to leave a voice message fro a called party that can be immediately retrieved by the called party".

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:00 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen. Tran
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11 January 2006

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